

KAREN INFANTE ALLEN

Trumbull County Clerk of Courts
161 High Street NW
Warren, Ohio 44481

HOME DEPOT USA INC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET
SUITE 1330
COLUMBUS, OH 43215
2020 CV 01338



IN THE COURT OF COMMON PLEAS, TRUMBULL COUNTY, WARREN, OHIO

S U M M O N S

Rule 4 1995 Ohio Rules of Civil Procedure

2020 CV 01338

ADAM KLIMKOWSKI
212 TEVEBAUGH HOLLOW ROAD
FREEDOM PA 15042

Plaintiff(s)

VS.

HOME DEPOT USA INC
C/O CORPORATION SERVICE COMPANY
50 WEST BROAD STREET
COLUMBUS OH 43215

Defendant(s)

IF APPLICABLE, SEE COMPLAINT FOR ADDITIONAL DEFENDANTS

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED THAT A COMPLAINT (A COPY OF WHICH IS HERETO ATTACHED AND MADE A PART HEREOF) HAS BEEN FILED AGAINST YOU IN THIS COURT BY THE PLAINTIFF(S) NAMED HEREIN:

YOU ARE REQUIRED TO SERVE UPON THE PLAINTIFF(S) ATTORNEY, OR UPON THE PLAINTIFF(S) IF THEY HAVE NO ATTORNEY OF RECORD, A COPY OF YOUR ANSWER TO THE COMPLAINT **WITHIN TWENTY-EIGHT (28) DAYS AFTER SERVICE OF THIS SUMMONS UPON YOU**, EXCLUSIVE OF THE DAY OF SERVICE. SAID ANSWER MUST BE FILED WITH THIS COURT WITHIN THREE DAYS AFTER SERVICE ON PLAINTIFF'S ATTORNEY.

THE NAME AND ADDRESS OF THE PLAINTIFF(S) ATTORNEY IS AS FOLLOWS:

MARK F MCKENNA
436 BOULEVARD OF THE ALLIES
SUITE 500
PITTSBURGH, PA 15219

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

KAREN INFANTE ALLEN
CLERK OF COURTS

BY: CYNTHIA BEALE
Deputy Clerk

Date: December 3, 2020

**FYI: IF THIS ACTION IS A CIVIL FORECLOSURE ACTION - PLEASE REFERENCE THE "SAVE THE DREAM" INFORMATIONAL PAGES AS FOUND ON THE CLERK'S WEBSITE AT: clerk.co.trumbull.oh.us/civil.htm

KAREN INFANTE ALLEN
TRUMBULL CO CLERK OF COURTS
2020 CV 01338
FILED: 12/02/2020 03:59 PM

IN THE COURT OF COMMON PLEAS OF TRUMBULL COUNTY, OHIO

ADAM KLIMKOWSKI, an adult individual
212 Tevebaugh Hollow Road
Freedom, PA 15042

Plaintiff,

CIVIL DIVISION

CASE NO.

vs.

JURY TRIAL DEMAND

HOME DEPOT U.S.A., INC,
a Delaware Corporation d/b/a
THE HOME DEPOT
c/o Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, OH 43215

Defendant.

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiff, Adam Klimkowski, by and through his attorneys, McKENNA & ASSOCIATES, P.C., and files the following Complaint in Civil Action and in support thereof avers as follows:

1. Plaintiff, Adam Klimkowski (hereinafter referred to as "Plaintiff"), is an adult individual who resides at 212 Tevebaugh Hollow Road, Freedom, Beaver County, Pennsylvania, 15042.
2. Defendant, Home Depot U.S.A, Inc. d/b/a The Home Depot (hereinafter referred to as "Defendant"), is a Delaware Corporation that is registered and authorized to conduct its business in the State of Ohio and which operates a place of business at 1900 Niles Court Road SE, Warren, OH 44484 (hereinafter "the Premises").

3. At all times relevant and material hereto, the Defendant leased, owned, operated, possessed, controlled, managed and/or maintained the premises located at 1900 Niles Court Road SE, Warren, OH 44484.

4. At all times relevant and material hereto, the Defendant had a duty to inspect, maintain, repair, control, supervise and/or oversee the Premises and to warn of and correct any dangerous condition thereon.

5. At all times relevant and material hereto, the Defendant acted through its agents, servants, employees, representatives, assignees, subsidiaries, predecessors and/or successors in interest.

6. On or about December 15, 2018 at approximately 11:20 a.m., Plaintiff, as a business invitee, was lawfully on the Premises.

7. On the aforesaid date and time, Plaintiff was inspecting a window which was on display with various doors.

8. While inspecting a window, the adjacent doors unexpectedly and without warning fell on Plaintiff, causing him to suffer severe and permanent injuries.

9. At no time did Plaintiff's action in looking at a window cause or contribute to the movement of the adjacent doors.

10. Plaintiff's injuries and damages were a direct and proximate result of the Defendant's, negligence by and through its agents, servants and/or employees in the following particulars:

- a. Causing and permitting the dangerous, hazardous, unsafe and/or defective condition to exist with the display of the doors and windows;
- b. In providing a Premises that was unsafe for invitees;

- b. Loss of the ability to enjoy the simple pleasures of life;
- c. Limitations in his normal daily activities;
- d. Impairment of his strength, welfare and vitality;
- e. Loss wages; and,
- f. Medical expenses;

WHEREFORE, Plaintiff, Adam Klimkowski, demands judgment against Defendant, Home Depot U.S.A., Inc. d/b/a The Home Depot, in an amount in excess of the applicable jurisdictional limits together with interest and costs of suit and all other relief deemed appropriate by this Honorable Court.

Respectfully submitted,

MCKENNA & ASSOCIATES, P.C.

BY:

MARK F. MCKENNA, ESQUIRE (0083419)
Attorneys for Plaintiff, Adam Klimkowski
436 Boulevard of the Allies, Suite 500
Pittsburgh, PA 15219
(412) 471-6226 Fax (412) 471-6658

JURY DEMAND

Plaintiff hereby demands that this case be heard by a jury.

Mark F. McKenna, Esquire (0083419)

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